

REMARKS

This responds to the Decision of Appeal of the Board of Patent Appeals and Interferences with a notification date of July 20, 2012.

Claims 1-10, 12-15, 17-18, 21 and 26 are amended, claims 19-20, and 22-25 were previously canceled, and claims 27-31 are added; as a result, claims 1-18, 21, and 26-31 are now pending in this application.

§102 Rejection of the Claims

Claims 1-19, 21, 23-24 and 26 were rejected under 35 U.S.C. § 102(b) for anticipation by Perkowski (U.S. 5,950,173).

Applicants respectfully submit that the rejection of claims 1-19, 21, 23-24 and 26 is defective under 35 U.S.C. § 102(b) for the reason that Perkowski does not disclose each and every limitation of the claim 10, as amended, of the present application.

Applicants believes that the issue of patentability over Perkowski is best understood with regard to claim 10 which is representative of the other independent claims which are also believed to be distinguishable from Perkowski for substantially similar reasons.

Claim 10, as now amended, includes the following limitations:

gathering product information...

creating markup language for a first product from said gathered product information for a first product, said markup language including a first attribute-value pair that includes a first attribute and a first value;

normalizing the markup language for the first product by translating the first attribute to a second attribute responsive to identifying the first attribute in a list that includes a plurality of attributes that are associated with the first product and the second attribute, the second attribute being a canonical representation of the plurality of attributes respectively.

The following material from Perkowski may be relevant:

"Registering Consumer Products With The IPI Finding and Serving Subsystem

The utility of the product finding functionalities of the system of the present invention depends in large part of the number of consumer-products registered with the IPI Finding and Serving Subsystem thereof. In principle, numerous techniques may be employed separately and in combination with each other in order to construct the IPI and Non-IPI Registrant Databases supported by the IPD Servers of the present invention. Five such techniques will be detailed below.

According to a first database construction technique, the administrator of the IPI Registrant Database would transmit Product Registration Requests (PRRs) in the form of electronic documents to each and every the manufacturer having been issued, for example, a six digit UPC Manufacturer Identification Number (MIN) by the UCC, Inc. Such electronic documents can be transmitted using conventional MIME protocols such as, for example, STMP. The Product Registration Request document would seek to ascertain from the manufacturers the various information items (including the menu of URLs) identified in the IPI Registrant Database of FIG. 4A1. In response to the Product Registration Request, each solicited manufacturer would send back to the administrator of the IPI Registrant Database (for each of its consumer products) its UPC number and a menu of URLs indicating the location of the information resources identified in the Product Registration Request document. This information can then be used to readily construct the IPI Registrant Database of the illustrative embodiment.

According to a second database construction technique, a global advertising campaign would be launched (over various media) in order to solicit the various information elements identified in the IPI Registrant Database of FIG. 4A1 and thus register the products of the manufacturers selling UPC-labelled products. Preferably, such information would be collected by way of an electronic document transfer subsystem set-up to cooperate with the system of the present invention in order to facilitate database construction operations.

According to a third database construction technique, the IPI system itself would continuously solicit consumer product registrations over time in order to collect information from companies responding favorably to the solicitations. While such solicitation efforts can involve the issuance of product registration requests using various types of media, it is preferred that the information collection operations are carried out using electronic document transfer techniques described hereinabove.

According to a fourth database construction technique, a number of commercial on-

line Internet search engines, such as Altavista.TM., Yahoo.TM., WebCrawler.TM., Lycos.TM., Excite.TM., as well as powerful off-line parallel-processing processing search engines, would be enlisted to analyze (i.e. mine) information on the World Wide Web in order to collect and link the information elements specified in the IPI Registrant Database of FIG. 4A1.

Once an "initial" IPI Registrant Database has been constructed using any one or more of the four database construction techniques described hereinabove, manufacturers registered therewith can be periodically contacted using Web-based electronic document (i.e. message) transfer techniques in order to request updating and confirmation of the UPC/URL listings contained within the database of the IPI subsystem of the present invention.¹

The above quote from Perkowski describes the registration of products in an Internet Product-Information (IPI) (Col. 6, line 4) subsystem. Specifically, the above quote from Perkowski describes four database construction techniques that may be used to register products in an IPI registrant database (Figure 4A1).

According to the first database construction technique, the administrator of the IPI Registrant Database sends a Product Registration Request to a manufacturer. In response, the manufacturer sends back a list of products. Each product in the list is identified by a Universal Product Number (UPC) (Abstract) and a list of URLs that are used to construct the IPI Registrant Database.

According to the second database construction technique, the administrator of the IPI Registrant Database presumably uses an advertisement campaign to solicit information elements in the IPI Registrant Database "and thus register the products of the manufacturers selling UPC-labeled products" (Col. 25, line 25).

According to a third database construction technique, the IPI System solicits product registrations from companies.

According to a fourth database construction technique, an on-line Internet search engine (e.g., Yahoo™) analyzes information on the World Wide Web in order to collect and link information in the IPI Registrant Database (Figure 4A1).

¹ Perkowski, Col. 24, line 57 - Col. 25, line 54.

Claim 10 recites, “*creating markup language for a first product from said gathered product information for a first product, said markup language including a first attribute-value pair that includes a first attribute and a first value;*” and “*normalizing the markup language.*” In contrast, the above material from Perkowski describes subject matter that fails to anticipate these limitations. Specifically, the failure to anticipate is for a number of different reasons. First, the first database construction technique from Perkowski merely relates to receiving a list of products that are respectively identified with a Universal Product Number (UPC) and a list of URLs. That is, no mention is made of “*creating markup language,*” nor “*normalizing the markup language*” much less either one these operations being performed on “*gathered product information for a first product,*” as is further recited by claim 10. Further, a UPC is not an attribute-value pair. Neither is A URL an attribute-value pair. Accordingly, the first quote from Perkowski cannot anticipate the requirements of claim 10.

The second database construction technique quote also fails to anticipate “*creating markup language*” and the other quoted limitations of claim 10, as mentioned above. Further, information elements are not attribute-value pair(s). Accordingly, any assertion that an information element contains “a first attribute” and “a first value” is mere speculation.

The third database construction technique relates a solicitation of product registrations but fails to provide any specific description of the product registration. Presumably, a product registration facilitates the registration of a product. Nevertheless, the third quote cannot describe “*creating markup language*” or “*normalizing*” the created markup language because the third quote fails to describe that which causes the product to be registered and merely relates a solicitation.

Finally, the fourth database construction technique relates a collection and linkage of information elements that are specified in the IPI Registrant Database of FIG. 4A1 that also fails to anticipate “*creating markup language*” or “*normalizing*” the created markup language.

In summary, the above material from Perkowski fails to anticipate the above quoted limitations because Perkowski does not describe “*creating markup language*” nor “*normalizing*” the created markup language for a first product from the product information. Accordingly,

Perkowski fails to anticipate each and every limitation of claim 10, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

The above remarks are also applicable to a consideration of independent claims 1, 12, and 26.

Claims 2-9 depend on independent claim 1. Claim 11 depends on independent claim 10. Claims 13-18 and 21 depend on independent claim 12. As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 2-9, 11, 13-19 and 21 under 35 U.S.C. § 102 is also addressed by the above remarks, and the amendments contained herein.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

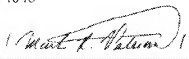
Respectfully submitted,

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